

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION**

JOINT APPROPRIATIONS SUBCOMMITTEE ON LONG-RANGE PLANNING

Call to Order: By **CHAIRMAN ERNEST BERGSAGEL**, on January 26, 1999
at 8:00 A.M., in Room 317 Capitol.

ROLL CALL

Members Present:

Rep. Ernest Bergsagel, Chairman (R)
Sen. Tom A. Beck, Vice Chairman (R)
Sen. J.D. Lynch (D)
Rep. Matt McCann (D)
Sen. Chuck Swysgood (R)
Rep. Tom Zook (R)

Members Excused: None.

Members Absent: None.

Staff Present: Cassandra Drynan, Committee Secretary
Jane Hamman, OBPP
Pam Joehler, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: **HOUSE BILL 7 - RECLAMATION AND
DEVELOPMENT GRANTS PROGRAM,
2/27/1999**

Executive Action: **HOUSE BILL 7**

**HEARING ON HOUSE BILL 7 - RECLAMATION AND DEVELOPMENT GRANTS
PROGRAM**

**RDGP PROJECT NO. 12 - FERGUS COUNTY CONSERVATION DISTRICT -
CENTRAL MONTANA ARTESIAN BASIN GROUNDWATER**

Mr. Paul Gies, Fergus County Conservation District, made introductions.

{Tape : 1; Side : A; Approx. Time Counter : 0.2 - 1.2}

Mr. Dave Matovich, National Resource Conservation Service(NRCS) Board, gave a short presentation.

{Tape : 1; Side : A; Approx. Time Counter : 1.2 - 2.5}

SEN. JOHN HERTEL gave a short presentation and spoke in support of the project.

{Tape : 1; Side : A; Approx. Time Counter : 2.5 - 5.6}

REP. LARRY GRINDE spoke on behalf of the project.

{Tape : 1; Side : A; Approx. Time Counter : 5.6 - 6.8}

REP. BILL THOMAS spoke on behalf of the project

{Tape : 1; Side : A; Approx. Time Counter : 6.8 - 7.5}

Ms. Paula Kourt, Geologist, gave a short presentation explaining the need for the project. **EXHIBIT(jlh20a01)** **EXHIBIT(jlh20a02)**

{Tape : 1; Side : A; Approx. Time Counter : 7.7 - 14.4}

Mr. Jon Reiten, Montana Bureau of Mines, gave a short presentation.

{Tape : 1; Side : A; Approx. Time Counter : 14.5 - 16.2}

SEN. BECK asked if the recommended \$150,000 would be sufficient.

Ms. Kourt stated that it would be a good start. Discussion concerning the funding line.

{Tape : 1; Side : A; Approx. Time Counter : 16.2 - 19.6}

REP. MCCANN asked why the ranchers in the area hadn't taken an interest in plugging the wells themselves. **Ms. Kourt** responded.

{Tape : 1; Side : A; Approx. Time Counter : 19.6 - 21.1}

CHAIRMAN BERGSAGEL asked how they had used the grant money from last session.

{Tape : 1; Side : A; Approx. Time Counter : 21.1 - 22.2}

REP. MCCANN asked if the money this session was going for plugging wells or to do a study. **Mr. Tubbs** responded.

{Tape : 1; Side : A; Approx. Time Counter : 22.2 - 24.5}

Discussion: Concerning the amount of the grant and the value of artesian wells.

{Tape : 1; Side : A; Approx. Time Counter : 24.5 - 27.1}

SEN. BECK asked about the quality of the water from the artesian wells.

{Tape : 1; Side : A; Approx. Time Counter : 27.2 - 29.2}

REP. MCCANN asked how the DEQ administered the program.

{Tape : 1; Side : A; Approx. Time Counter : 29.2 - 31.2}

**RDGP PROJECT NO. 15 - MT DEPARTMENT OF ENVIRONMENTAL QUALITY
(DEQ) - IMPLEMENTING NON POINT SOURCE MANAGEMENT AND TOTAL
MAXIMUM DAILY LOADS (TMDLs)**

Mr. Stuart Lehman, Supervisor for Water Share Management, DEQ, gave a short presentation. **EXHIBIT(jlh20a03)**

{Tape : 1; Side : A; Approx. Time Counter : 31.4 - 1:B:8.4}

SEN. LYNCH asked if they would lose federal funding if they didn't receive this grant. **Mr. Lehman** responded. Questions were asked about the budget. **SEN. LYNCH** asked if new employees were going to be hired with some of this money. Discussion followed. **SEN. LYNCH** asked how the project had been affected by the \$86,000 cut. He then requested a copy of the DEQ's total budget.

{Tape : 1; Side : B; Approx. Time Counter : 8.7 - 15.8}

REP. ZOOK asked if they had a ranking system for their projects.

{Tape : 1; Side : B; Approx. Time Counter : 15.9 - 19.2}

RDGP PROJECT NO. 18 - DEQ - WETLAND INVENTORY FOR MONTANA

Ms. Lynda Saul, Planning Division, DEQ, explained the project and its importance. **EXHIBIT(jlh20a04)**

{Tape : 1; Side : B; Approx. Time Counter : 20.2 - 27.4}

SEN. LYNCH mentioned that some of the ARCO money would be going to wetlands and asked if the projects done with the ARCO money would compliment this project.

{Tape : 1; Side : B; Approx. Time Counter : 27.5 - 29}

**RDGP PROJECT NO. 19 - FLATHEAD COUNTY BOARD OF COUNTY
COMMISSIONERS - ASSESSMENT OF AGGREGATE RESOURCES IN FLATHEAD AND
MISSOULA COUNTIES**

Mr. Greg Mills, Department of Natural Resources and Conservation, reviewed the project and the department's recommendations. He then stated that Flathead County had decided not to come before

the committee and would be waiting until next session to revise and resubmit their request.

{Tape : 1; Side : B; Approx. Time Counter : 29.3 - 31.5}

**RDGP PROJECT NO. 14 - MONTANA TECH OF THE UNIVERSITY OF MONTANA -
CHAMPION INTERNATIONAL GRAVEL PIT RECLAMATION PROJECT**

Ms. Susan Pattent, Mining Engineer, MT Tech., made introductions.

{Tape : 2; Side : A; Approx. Time Counter : 1.7 - 2.3}

Mr. Bruce Hall, Chairman of Bonner Development, gave the background and overview of the project. **EXHIBIT(jlh20a05)**

{Tape : 2; Side : A; Approx. Time Counter : 2.3 - 8.6}

CHAIRMAN BERGSAGEL asked where the motorcyclists went.

SEN. LYNCH asked if the community would donate some in-kind services and if the county would help out with the project. Discussion followed.

{Tape : 2; Side : A; Approx. Time Counter : 8.6 - 11.5}

REP. ZOOK asked for an explanation of Farm Bill 2 & 3.

{Tape : 2; Side : A; Approx. Time Counter : 11.7 - 12.6}

SEN. LYNCH asked if Champion International was responsible for the reclamation of the gravel pit. **Ms. Pattent** responded that the laws were different when Champion International was in the state.

{Tape : 2; Side : A; Approx. Time Counter : 12.6 - 14.7}

Ms. Jane Hamman, OBPP, asked what Frontier West was. Discussion followed.

{Tape : 2; Side : A; Approx. Time Counter : 14.7 - 15.8}

Mr. John Tubbs, DNRC, confirmed that they had received several letters of support from the community for this project.

{Tape : 2; Side : A; Approx. Time Counter : 16 - 16.4}

**RDGP PROJECT NO. 9 - PARK CONSERVATION DISTRICT - UPPER
YELLOWSTONE RIVER CUMULATIVE EFFECTS INVESTIGATION**

Mr. John Bailey, Chairman of the Governor's Upper Yellowstone Task Force, gave an overview of the project.

{Tape : 2; Side : A; Approx. Time Counter : 17.2 - 21.3}

Ms. Gayleen Malone, Vice Chairman of the Park Conservation District, spoke in support of the project and commented that many attempts to control the channel had been put forth and failed because they weren't well researched and that a study was needed to insure a sound project.

{Tape : 2; Side : A; Approx. Time Counter : 21.4 - 22.9}

Mr. Brant Oswald, Board Member of the Park County Environmental Council and the Upper Yellowstone Task Force, spoke in support of the project.

{Tape : 2; Side : A; Approx. Time Counter : 22.9 - 24.5}

SEN. LORENTS GROSFIELD spoke on behalf of the project.

{Tape : 2; Side : A; Approx. Time Counter : 24.6 - 27.9}

Mr. Dan Gutebeer, Chairman of the Park County Commissioners, spoke in support of the project.

{Tape : 2; Side : A; Approx. Time Counter : 27.9 - 29.6}

REP. SHIELL ANDERSON wished to be recorded as a proponent of the project.

{Tape : 2; Side : A; Approx. Time Counter : 29.7 - 29.8}

REP. MCCANN asked if this would be the last time they would request funds for a study and if future requests would be to fund an actual project. **SEN. GROSFIELD** responded.

{Tape : 2; Side : A; Approx. Time Counter : 29.8 - 2:B:0.7}

CHAIRMAN BERGSAGEL asked what type of information they expect to gain from this study. **SEN. GROSFIELD** responded. Discussion followed.

{Tape : 2; Side : B; Approx. Time Counter : 0.8 - 7.9}

REP. ZOOK commented that with three different departments contributing to this study he wondered if they would have problems concurring on issues. **Mr. Tubbs** responded. Discussion followed.

{Tape : 2; Side : B; Approx. Time Counter : 7.9 - 13.9}

RDGP PROJECT NO. 16 - UNIVERSITY OF MONTANA DEPARTMENT OF GEOLOGY
- REMEDIATION OF GROUNDWATER AT ABANDONED MINE SITES:
APPLICATION OF PERMEABLE REACTIVE WALL TECHNOLOGY

Mr. Greg Mills reviewed the project and the department's recommendations.

{Tape : 2; Side : B; Approx. Time Counter : 15.1 - 17.5}

**RDGP APPLICATION - JEFFERSON COUNTY - WATER QUALITY AND QUANTITY
MANAGEMENT IMPROVEMENT PROJECT FOR JEFFERSON COUNTY**

Mr. Tubbs reviewed the project and the department's recommendation for no funding.

{Tape : 2; Side : B; Approx. Time Counter : 17.5 - 18.4}

**RDGP APPLICATION - CITY OF LEWISTOWN - SOURCE LOCATION OF
HAZARDOUS ORGANIC CONTAMINANTS, BIG SPRING CREEK DRAINAGE**

Mr. Tubbs reviewed the project and the department's recommendation for no funding. He stated that they had a real problem but that their project was not well devised.

{Tape : 2; Side : B; Approx. Time Counter : 18.5 - 21.1}

**HEARING ON HOUSE BILL 7 - RECLAMATION AND DEVELOPMENT GRANTS
PROGRAM - CLOSED**

Discussion: Concerning the funds available and the funding line.

Ms. Pam Joehler, Legislative Fiscal Analyst, distributed **EXHIBIT** (j1h20a06).

{Tape : 2; Side : B; Approx. Time Counter : 21.1 - 22.7}

EXECUTIVE ACTION - HOUSE BILL 7

CHAIRMAN BERGSAGEL stated that the committee could leave alone the first four projects belonging to the Board of Oil and Gas and that it would take a motion to change a grant from the introduced amount in HB 7. He then proceeded down the projects in **EXHIBIT 6**.

{Tape : 2; Side : B; Approx. Time Counter : 23 - 24.7}

Mr. Tubbs distributed **EXHIBIT** (j1h20a07) and recapped the **City of Townsend, East Pacific Mine Reclamation** project #6. Discussion followed.

{Tape : 2; Side : B; Approx. Time Counter : 25 - 28.8}

Motion: SEN LYNCH moved to **CHANGE THE RANK OF THE CITY OF TOWNSEND FROM # 6 TO # 20**. Discussion followed.

SEN. SWYSGOOD asked if the \$202,500 grant was entirely dedicated to the East Pacific Mine Reclamation. Mr. Tubbs responded.

Discussion: Concerning state funds paying for Federal lands.

Substitute Motion/Vote: SEN. LYNCH moved to **CHANGE THE RANK OF THE CITY OF TOWNSEND FROM # 6 TO # 18 (BELOW THE BUTTE-SILVER BOW MINING CITY MINEYARD PRESERVATION AND & ENHANCEMENT)**. Motion carried unanimously.

{Tape : 2; Side : B; Approx. Time Counter : 28.8 - 31.7}

Motion/Vote: REP. MCCANN moved to **CHANGE THE RANK OF THE CHAMPION INTERNATIONAL GRAVEL PIT RECLAMATION PROJECT FROM # 14 TO # 19 (BELOW THE CITY OF TOWNSEND)**. Discussion followed. Motion carried unanimously.

{Tape : 2; Side : B; Approx. Time Counter : 31.7 - 3:A:2.6}

Ms. Ann Danzer, Planning Division, DEQ, answered questions about the DEQ's project #15, **Implementing Non Point Source Management and Total Maximum Daily Loads**. **EXHIBIT**(j1h20a08)

{Tape : 3; Side : A; Approx. Time Counter : 2.8 - 4.9}

REP. ZOOK asked how much money they expected to get in **HB 4** and what would happen to the project if they did not get the \$660,000 from the general fund. Ms. Danzer responded. Discussion followed.

SEN. BECK asked what would happen if they didn't get the \$214,000 in **HB 7**. Ms. Danzer responded. Mr. Stuart Lehman explained what a targeted area was. Discussion followed concerning matching funds. Mr. Bob Rischer commented.

{Tape : 3; Side : A; Approx. Time Counter : 5 - 15.2}

Motion/Vote: SEN. LYNCH moved to **REDUCE THE FUNDING FOR PROJECT # 15 IMPLEMENTING NON POINT SOURCE MANAGEMENT AND TOTAL MAXIMUM DAILY LOADS FROM \$214,000 TO \$114,000**. Motion carried with CHAIRMAN BERGSAGEL voting no.

{Tape : 3; Side : A; Approx. Time Counter : 15.3 - 17.7}

Motion/Vote: SEN. LYNCH moved to **CHANGE THE RANK OF PROJECT #16, UNIVERSITY OF MONTANA DEPARTMENT OF GEOLOGY TO #20 (BELOW THE CHAMPION INTERNATIONAL GRAVEL PIT RECLAMATION PROJECT)**. Motion carried with CHAIRMAN BERGSAGEL voting no.

{Tape : 3; Side : A; Approx. Time Counter : 17.6 - 18}

Ms. Lou Moore, DEQ, answered questions about project #18, **Wetland Inventory for Montana**.

{Tape : 3; Side : A; Approx. Time Counter : 22.6 - 25}

Ms. Pam Joehler, explained the new ranking order at this point in executive action.

{Tape : 3; Side : A; Approx. Time Counter : 25.4 - 26.5}

Motion/Vote: SEN. SWYSGOOD moved that PROJECT # 15, DEQ'S IMPLEMENTING NON POINT SOURCE MANAGEMENT AND TOTAL MAXIMUM DAILY LOADS NOT BE FUNDED. Motion carried unanimously.

Motion/Vote: SEN. SWYSGOOD moved that PROJECT # 18, DEQ'S WETLAND INVENTORY FOR MONTANA NOT BE FUNDED. Motion carried unanimously.

Motion/Vote: REP. ZOOK moved that PROJECT #16, U OF M DEPT. OF GEOLOGY'S REMEDIATION OF GROUNDWATER AT ABANDONED MINE SITES NOT BE FUNDED. Motion carried unanimously.

Motion/Vote: REP. ZOOK moved that PROJECT # 19, FLATHEAD COUNTY BOARD OF COUNTY COMMISSIONERS ASSESSMENT OF AGGREGATE RESOURCES IN FLATHEAD AND MISSOULA COUNTIES NOT BE FUNDED. Motion carried unanimously.

{Tape : 3; Side : A; Approx. Time Counter : 25.4 - 27.8}

Motion/Vote: REP. MCCANN moved that \$50,000 OF UNUSED GRANT MONEYS THAT HAD BEEN ISSUED BY THE 1997 LEGISLATURE GO TO THE CITY OF LEWISTOWN PROJECT CONTINGENT ON THE DEQ NOT COMING UP WITH THESE FUNDS. Motion carried unanimously.

{Tape : 3; Side : A; Approx. Time Counter : 29 - 30.3}

Motion/Vote: REP. MCCANN moved that \$110,818 OF UNUSED GRANT MONEYS THAT HAD BEEN ISSUED BY THE 1991 LEGISLATURE BE USED TO REPAIR DROP STRUCTURES IN THE ST. MARY'S BASIN. Motion carried unanimously.

Motion/Vote: SEN. BECK moved to FUND PROJECT #14, MT TECH'S CHAMPION INTERNATIONAL GRAVEL PIT RECLAMATION, WITH THE BALANCE OF THE HB 7 MONEYS AND THE BALANCE OF THE UNUSED GRANT MONEYS. Motion carried unanimously.

{Tape : 3; Side : A; Approx. Time Counter : 30.3 - 31.9}

See **EXHIBIT**(j1h20a09) for the updated ranking of the projects in HB 7.

See **EXHIBIT**(j1h20a10) for HB 7 amendments.

EXECUTIVE ACTION - HOUSE BILL 7

ADJOURNMENT

Adjournment: 12:00 P.M.

REP. ERNEST BERGSAGEL, Chairman

CASSANDRA DRYNAN, Secretary

EB/CD

EXHIBIT (j1h20aad)